



REGISTRAR OF REGULATIONS

08 MAY -2 PM 2:34

COMMONWEALTH of VIRGINIA

Department of Health DIVISION OF SHELLFISH SANITATION

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Richmond, VA 23219

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 039-026, HORN HARBOR

EFFECTIVE 14 MAY 2008

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 039-026, Horn Harbor," effective 26 April 2007, is cancelled effective 14 May 2008.
2. Condemned Shellfish Area Number 039-026, shown as Sections A, B and C, is established effective 14 May 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Horn Harbor, Condemned Shellfish Area Number 039-026, 14 May 2008" which is part of this notice.
3. Seasonally Condemned Shellfish Area Number 039-026, shown as Section M1, is hereby established effective 14 May 2008, for the period May 14, 2008, through October 31, 2008, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It is unlawful for any person, firm, or corporation to take shellfish from this area during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in §28.2-810 of the *Code of Virginia*. The boundaries of this area are shown on the map titled "Horn Harbor, Condemned Shellfish Area Number 039-026, 14 May 2008" which is a part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 039-026

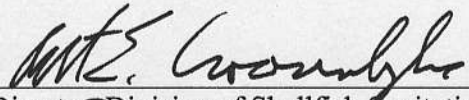
- A. The condemned area shall include that portion of Horn Harbor and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°22'02.5", -76°18'00.7"), map coordinate (37°21'59.2", -76°18'01.7"), and map coordinate (37°21'57.5", -76°18'02.2").

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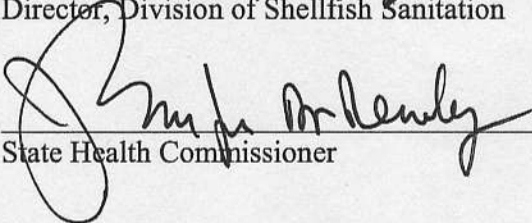
- B. The condemned area shall include all of Doctors Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°21'06.3", -76°16'35.0") and map coordinate (37°21'02.1", -76°16'31.4").
- C. The condemned area shall include all of an unnamed tributary of Horn Harbor lying upstream of a line drawn between latitude/longitude map coordinate (37°21'34.9", -76°17'24.8") and map coordinate (37°21'34.7", -76°17'20.9").
- M1. The seasonally condemned area shall include that portion of Horn Harbor lying inland of a line drawn between latitude/longitude map coordinate (37°22'02.8", -76°18'00.8"), map coordinate (37°21'59.2", -76°18'01.7"), and map coordinate (37°21'54.1", -76°17'55.7").

Recommended by:



Director, Division of Shellfish Sanitation

Ordered by:



State Health Commissioner

5/1/06

Date

